

1-1 By: Hegar S.B. No. 609
1-2 (In the Senate - Filed February 18, 2013; February 25, 2013,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 18, 2013, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; March 18, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Hinojosa</u>	X		
1-9	<u>Nichols</u>	X		
1-10	<u>Garcia</u>	X		
1-11	<u>Paxton</u>	X		
1-12	<u>Taylor</u>	X		

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the creation of the Waller County Municipal Utility
1-16 District No. 17; providing authority to impose a tax and issue
1-17 bonds; granting a limited power of eminent domain.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-20 Code, is amended by adding Chapter 8441 to read as follows:

1-21 CHAPTER 8441. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 17

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8441.001. DEFINITIONS. In this chapter:

1-24 (1) "Board" means the district's board of directors.

1-25 (2) "Commission" means the Texas Commission on
1-26 Environmental Quality.

1-27 (3) "Director" means a board member.

1-28 (4) "District" means the Waller County Municipal
1-29 Utility District No. 17.

1-30 Sec. 8441.002. NATURE OF DISTRICT. The district is a
1-31 municipal utility district created under Section 59, Article XVI,
1-32 Texas Constitution.

1-33 Sec. 8441.003. CONFIRMATION AND DIRECTORS' ELECTION
1-34 REQUIRED. The temporary directors shall hold an election to
1-35 confirm the creation of the district and to elect five permanent
1-36 directors as provided by Section 49.102, Water Code.

1-37 Sec. 8441.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-38 temporary directors may not hold an election under Section 8441.003
1-39 until each municipality in whose corporate limits or
1-40 extraterritorial jurisdiction the district is located has
1-41 consented by ordinance or resolution to the creation of the
1-42 district and to the inclusion of land in the district.

1-43 Sec. 8441.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-44 (a) The district is created to serve a public purpose and benefit.

1-45 (b) The district is created to accomplish the purposes of:

1-46 (1) a municipal utility district as provided by
1-47 general law and Section 59, Article XVI, Texas Constitution; and

1-48 (2) Section 52, Article III, Texas Constitution, that
1-49 relate to the construction, acquisition, improvement, operation,
1-50 or maintenance of macadamized, graveled, or paved roads, or
1-51 improvements, including storm drainage, in aid of those roads.

1-52 Sec. 8441.006. INITIAL DISTRICT TERRITORY. (a) The
1-53 district is initially composed of the territory described by
1-54 Section 2 of the Act enacting this chapter.

1-55 (b) The boundaries and field notes contained in Section 2 of
1-56 the Act enacting this chapter form a closure. A mistake made in the
1-57 field notes or in copying the field notes in the legislative process
1-58 does not affect the district's:

1-59 (1) organization, existence, or validity;

1-60 (2) right to issue any type of bond for the purposes
1-61 for which the district is created or to pay the principal of and

2-1 interest on a bond;

2-2 (3) right to impose a tax; or

2-3 (4) legality or operation.

2-4 SUBCHAPTER B. BOARD OF DIRECTORS

2-5 Sec. 8441.051. GOVERNING BODY; TERMS. (a) The district is
 2-6 governed by a board of five elected directors.

2-7 (b) Except as provided by Section 8441.052, directors serve
 2-8 staggered four-year terms.

2-9 Sec. 8441.052. TEMPORARY DIRECTORS. (a) On or after the
 2-10 effective date of the Act enacting this chapter, the owner or owners
 2-11 of a majority of the assessed value of the real property in the
 2-12 district may submit a petition to the commission requesting that
 2-13 the commission appoint as temporary directors the five persons
 2-14 named in the petition. The commission shall appoint as temporary
 2-15 directors the five persons named in the petition.

2-16 (b) Temporary directors serve until the earlier of:

2-17 (1) the date permanent directors are elected under
 2-18 Section 8441.003; or

2-19 (2) the fourth anniversary of the effective date of
 2-20 the Act enacting this chapter.

2-21 (c) If permanent directors have not been elected under
 2-22 Section 8441.003 and the terms of the temporary directors have
 2-23 expired, successor temporary directors shall be appointed or
 2-24 reappointed as provided by Subsection (d) to serve terms that
 2-25 expire on the earlier of:

2-26 (1) the date permanent directors are elected under
 2-27 Section 8441.003; or

2-28 (2) the fourth anniversary of the date of the
 2-29 appointment or reappointment.

2-30 (d) If Subsection (c) applies, the owner or owners of a
 2-31 majority of the assessed value of the real property in the district
 2-32 may submit a petition to the commission requesting that the
 2-33 commission appoint as successor temporary directors the five
 2-34 persons named in the petition. The commission shall appoint as
 2-35 successor temporary directors the five persons named in the
 2-36 petition.

2-37 SUBCHAPTER C. POWERS AND DUTIES

2-38 Sec. 8441.101. GENERAL POWERS AND DUTIES. The district has
 2-39 the powers and duties necessary to accomplish the purposes for
 2-40 which the district is created.

2-41 Sec. 8441.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-42 DUTIES. The district has the powers and duties provided by the
 2-43 general law of this state, including Chapters 49 and 54, Water Code,
 2-44 applicable to municipal utility districts created under Section 59,
 2-45 Article XVI, Texas Constitution.

2-46 Sec. 8441.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-47 52, Article III, Texas Constitution, the district may design,
 2-48 acquire, construct, finance, issue bonds for, improve, operate,
 2-49 maintain, and convey to this state, a county, or a municipality for
 2-50 operation and maintenance macadamized, graveled, or paved roads, or
 2-51 improvements, including storm drainage, in aid of those roads.

2-52 Sec. 8441.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-53 road project must meet all applicable construction standards,
 2-54 zoning and subdivision requirements, and regulations of each
 2-55 municipality in whose corporate limits or extraterritorial
 2-56 jurisdiction the road project is located.

2-57 (b) If a road project is not located in the corporate limits
 2-58 or extraterritorial jurisdiction of a municipality, the road
 2-59 project must meet all applicable construction standards, zoning and
 2-60 subdivision requirements, and regulations of each county in which
 2-61 the road project is located.

2-62 (c) If the state will maintain and operate the road, the
 2-63 Texas Transportation Commission must approve the plans and
 2-64 specifications of the road project.

2-65 Sec. 8441.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-66 OR RESOLUTION. The district shall comply with all applicable
 2-67 requirements of any ordinance or resolution that is adopted under
 2-68 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-69 creation of the district or to the inclusion of land in the

3-1 district.

3-2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-3 Sec. 8441.151. ELECTIONS REGARDING TAXES OR BONDS.

3-4 (a) The district may issue, without an election, bonds and other
3-5 obligations secured by:

3-6 (1) revenue other than ad valorem taxes; or

3-7 (2) contract payments described by Section 8441.153.

3-8 (b) The district must hold an election in the manner
3-9 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-10 before the district may impose an ad valorem tax or issue bonds
3-11 payable from ad valorem taxes.

3-12 (c) The district may not issue bonds payable from ad valorem
3-13 taxes to finance a road project unless the issuance is approved by a
3-14 vote of a two-thirds majority of the district voters voting at an
3-15 election held for that purpose.

3-16 Sec. 8441.152. OPERATION AND MAINTENANCE TAX. (a) If
3-17 authorized at an election held under Section 8441.151, the district
3-18 may impose an operation and maintenance tax on taxable property in
3-19 the district in accordance with Section 49.107, Water Code.

3-20 (b) The board shall determine the tax rate. The rate may not
3-21 exceed the rate approved at the election.

3-22 Sec. 8441.153. CONTRACT TAXES. (a) In accordance with
3-23 Section 49.108, Water Code, the district may impose a tax other than
3-24 an operation and maintenance tax and use the revenue derived from
3-25 the tax to make payments under a contract after the provisions of
3-26 the contract have been approved by a majority of the district voters
3-27 voting at an election held for that purpose.

3-28 (b) A contract approved by the district voters may contain a
3-29 provision stating that the contract may be modified or amended by
3-30 the board without further voter approval.

3-31 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-32 Sec. 8441.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-33 OBLIGATIONS. The district may issue bonds or other obligations
3-34 payable wholly or partly from ad valorem taxes, impact fees,
3-35 revenue, contract payments, grants, or other district money, or any
3-36 combination of those sources, to pay for any authorized district
3-37 purpose.

3-38 Sec. 8441.202. TAXES FOR BONDS. At the time the district
3-39 issues bonds payable wholly or partly from ad valorem taxes, the
3-40 board shall provide for the annual imposition of a continuing
3-41 direct ad valorem tax, without limit as to rate or amount, while all
3-42 or part of the bonds are outstanding as required and in the manner
3-43 provided by Sections 54.601 and 54.602, Water Code.

3-44 Sec. 8441.203. BONDS FOR ROAD PROJECTS. At the time of
3-45 issuance, the total principal amount of bonds or other obligations
3-46 issued or incurred to finance road projects and payable from ad
3-47 valorem taxes may not exceed one-fourth of the assessed value of the
3-48 real property in the district.

3-49 SECTION 2. The Waller County Municipal Utility District
3-50 No. 17 initially includes all the territory contained in the
3-51 following area:

3-52 400.55 ACRES OF LAND SITUATED IN THE F. EULE SURVEY, ABSTRACT
3-53 NO. 376 AND THE H. & T.C .R.R. CO. SURVEY, ABSTRACT NO. 203, WALLER
3-54 COUNTY, TEXAS, SAID 400.55 ACRES BEING MORE PARTICULARLY DESCRIBED
3-55 BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE
3-56 COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS
3-57 MEASUREMENTS):

3-58 BEGINNING at a cotton spindle having Texas State Plane, South
3-59 Central Zone 1983, coordinates of X = 2,970,409.07 and Y =
3-60 13,857,993.69 found marking the northeasterly corner of the said F.
3-61 Eule Survey, the southeasterly corner of the H. & T.C.C. R.R. Co.
3-62 Survey, Abstract No. 205, the southwesterly corner of the E.
3-63 Jenkins Survey, Abstract No. 409 and the northwesterly corner of
3-64 the H. & T. C.C. R.R. Co. Survey, Abstract No. 196 and being in the
3-65 intersection of Morton Road (as occupied at present) and Pitts Road
3-66 (as occupied at present);

3-67 (1) THENCE, North 87°59'06" East, along the common line of the said
3-68 E. Jenkins Survey, Abstract No. 409 and the H. & T. C.C. R.R. Co.
3-69 Survey, Abstract No. 196 for a distance of 23.14 feet to a point for

4-1 corner in the southerly extension of the easterly right-of-way line
4-2 of Pitts Road, being the current extraterritorial jurisdiction line
4-3 (ETJ) agreed to between the City of Houston and the City of Katy;
4-4 (2) THENCE, South 02°03'11" East, along the said ETJ line for a
4-5 distance of 30.00 feet to a point for corner in the southerly
4-6 right-of-way line of Morton Road, being the current
4-7 extraterritorial jurisdiction line (ETJ) agreed to between the
4-8 City of Houston and the City of Katy;
4-9 (3) THENCE, South 87°59'06" West, along the southerly right-of-way
4-10 line of Morton Road, being the current extraterritorial
4-11 jurisdiction line (ETJ) agreed to between the City of Houston and
4-12 the City of Katy, for a distance of 23.14 feet to a point for corner
4-13 in the easterly line of the said F. Eule Survey and the westerly
4-14 line of the said H. & T. C.C. R.R. Co. Survey, Abstract No. 196;
4-15 (4) THENCE, South 02°03'11" East, along easterly line of the said
4-16 F. Eule Survey and the westerly line of the said H. & T. C.C. R.R.
4-17 Co. Survey, Abstract No. 196, same being the current
4-18 extraterritorial jurisdiction line (ETJ) agreed to between the
4-19 City of Houston and the City of Katy, for a distance of 5,279.05
4-20 feet to a point for the southeasterly corner of the herein described
4-21 tract being at the intersection with the easterly extension of the
4-22 southerly right-of-way line of Franz Road (as occupied at present)
4-23 from which a 1/2-inch capped iron pipe stamped "Kalkomey" found
4-24 marking the southeasterly corner of the said F. Eule Survey and the
4-25 northeasterly corner of the H. & T.C.C. R.R. Co. Survey, Abstract
4-26 No. 203 bears North 02°03'11" West, a distance of 33.00 feet;
4-27 (5) THENCE, South 87°56'49" West, along the southerly
4-28 right-of-way line of Franz Road, being the current extraterritorial
4-29 jurisdiction line (ETJ) agreed to between the City of Houston and
4-30 the City of Katy, for a distance of 2,170.11 feet to a point for
4-31 corner;
4-32 (6) THENCE, North 01°51'45" West, a distance of 33.00 feet to a
4-33 1/2-inch capped iron pipe stamped "Kalkomey" found for corner in
4-34 the southerly line of the said F. Eule Survey and the northerly line
4-35 of the said H. & T. C.C. R.R. Co. Survey, Abstract No. 203;
4-36 (7) THENCE, South 87°56'49" West, along the common line of the
4-37 said F. Eule Survey and the H. & T. C.C. R.R. Co. Survey, Abstract
4-38 No. 203 for a distance of 1,227.33 feet to a 1/2-inch capped iron
4-39 pipe stamped "Kalkomey" found marking the southwesterly corner of
4-40 the herein described tract;
4-41 (8) THENCE, North 02°06'02" West, a distance of 3,626.17 feet to a
4-42 1/2-inch capped iron pipe stamped "Kalkomey" found for corner;
4-43 (9) THENCE, North 87°59'06" East, a distance of 228.84 feet to a
4-44 bent 1/2-inch iron pipe found for corner;
4-45 (10) THENCE, North 02°01'19" West, a distance of 1,652.14 feet to
4-46 a cotton spindle found in Morton Road being in the northerly line of
4-47 the said F. Eule Survey and the southerly line of the said H. & T.
4-48 C.C. R.R. Co. Survey, Abstract No. 205 marking the northwesterly
4-49 corner of the herein described tract of land;
4-50 (11) THENCE, North 87°59'06" East, along the common line of the
4-51 said F. Eule Survey and the H. & T. C.C. R.R. Co. Survey, Abstract
4-52 No. 205, a distance of 60.00 feet to a cotton spindle found for
4-53 corner;
4-54 (12) THENCE, South 02°01'43" East, a distance of 559.82 feet to a
4-55 1/2-inch iron pipe found for corner;
4-56 (13) THENCE, North 87°58'17" East, a distance of 328.85 feet to a
4-57 1/2-inch iron pipe found for corner;
4-58 (14) THENCE, North 01°59'41" West, a distance of 559.74 feet to a
4-59 cotton spindle found for corner in Morton Road being in the
4-60 northerly line of the said F. Eule Survey and the southerly line of
4-61 the said H. & T. C.C. R.R. Co. Survey, Abstract No. 205;
4-62 (15) THENCE, North 87°59'06" East, along the common line of the
4-63 said F. Eule Survey and the H. & T. C.C. R.R. Co. Survey, Abstract
4-64 No. 205, a distance of 2,781.42 feet to the POINT OF BEGINNING and
4-65 containing 400.55 acres of land. This description has been prepared
4-66 in conjunction with a map of equal date.
4-67 SECTION 3. (a) The legal notice of the intention to
4-68 introduce this Act, setting forth the general substance of this
4-69 Act, has been published as provided by law, and the notice and a

5-1 copy of this Act have been furnished to all persons, agencies,
5-2 officials, or entities to which they are required to be furnished
5-3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-4 Government Code.

5-5 (b) The governor, one of the required recipients, has
5-6 submitted the notice and Act to the Texas Commission on
5-7 Environmental Quality.

5-8 (c) The Texas Commission on Environmental Quality has filed
5-9 its recommendations relating to this Act with the governor, the
5-10 lieutenant governor, and the speaker of the house of
5-11 representatives within the required time.

5-12 (d) All requirements of the constitution and laws of this
5-13 state and the rules and procedures of the legislature with respect
5-14 to the notice, introduction, and passage of this Act are fulfilled
5-15 and accomplished.

5-16 SECTION 4. (a) If this Act does not receive a two-thirds
5-17 vote of all the members elected to each house, Subchapter C, Chapter
5-18 8441, Special District Local Laws Code, as added by Section 1 of
5-19 this Act, is amended by adding Section 8441.106 to read as follows:

5-20 Sec. 8441.106. NO EMINENT DOMAIN POWER. The district may
5-21 not exercise the power of eminent domain.

5-22 (b) This section is not intended to be an expression of a
5-23 legislative interpretation of the requirements of Subsection (c),
5-24 Section 17, Article I, Texas Constitution.

5-25 SECTION 5. This Act takes effect immediately if it receives
5-26 a vote of two-thirds of all the members elected to each house, as
5-27 provided by Section 39, Article III, Texas Constitution. If this
5-28 Act does not receive the vote necessary for immediate effect, this
5-29 Act takes effect September 1, 2013.

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